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F. #2023R00763

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
\* JULY 2, 2024 \*  
BROOKLYN OFFICE

UNITED STATES OF AMERICA

INDICTMENT

- against -

SIXTO SIME,  
KENNETH APONTE and  
MARBELLY LEONARDO,

Defendants.

Cr. No. 24-CR-271

(T. 21, U.S.C., §§ 853(a), 853(p), 952(a),  
960(a)(1), 960(b)(3), 963 and 970; T. 18,  
U.S.C., §§ 2 and 3551 et seq.)

Judge Nina R. Morrison  
Magistrate Judge Lois Bloom

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THE GRAND JURY CHARGES:

COUNT ONE  
(Conspiracy to Import Cocaine)

1. On or about and between October 22, 2023 and April 26, 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SIXTO SIME, KENNETH APONTE and MARBELLY LEONARDO, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 952(a) and 960(a)(1).

(Title 21, United States Code, Sections 963 and 960(b)(3); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO  
(Importation of Cocaine)

2. On or about January 26, 2024, within the Eastern District of New York and elsewhere, the defendants SIXTO SIME, KENNETH APONTE and MARBELLY LEONARDO, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(3); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendants that, upon their conviction of either of the offenses charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Sections 853(a) and 970, which require any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to the following assets, all seized by law enforcement on or about May 2, 2024, in Manhattan, New York:

- (a) one Smith & Wesson M&P Shield .40 caliber pistol with the serial number scratched off;
- (b) one .40 S&W magazine;
- (c) seven .40 Caliber 40 S&W cartridges;

(d) one Polymorp80 9mm black pistol with the serial number  
scratched off;

(e) one Glock 10-round magazine;

(f) one Plymorph80 9mm black pistol with the serial number  
scratched off;

(g) one KCI 33-round extended black magazine; and

(h) 21 Speer 9mm cartridges.

4. If any of the above-described forfeitable property, as a result of any act  
or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be  
divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a), 853(p) and 970)

A TRUE BILL

/signed/

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FOREPERSON

*By David Pitluck, Assistant U.S. Attorney*

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BREON PEACE  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK